

Senate be ordered for the purpose of securing a quorum.

The motion prevailed.

The roll call showed 20 present.

Senator DeBerry moved that the Sergeant-at-Arms be instructed to bring in all Senators not heretofore excused.

Senator Rawlings raised the point of order that no business could be transacted under a call.

The Chair, Senator Woodruff, overruled the point of order, holding that this motion applied to compelling the attendance of absent members.

Senator Stone moved to amend the motion by instructing the Sergeant-at-Arms to report what progress he had made at the end of 15 minutes. The motion prevailed.

The motion as amended prevailed.

Senator Rawlings moved to recess until 11 o'clock a. m. The motion was lost.

The Sergeant-at-Arms reported at 11:12 o'clock a. m. that he was unable to locate any absent Senators in the city.

Senator Purl moved to adjourn until 10 o'clock Monday morning. The motion was lost by the following vote:

Nays—20.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Hornsby.	Redditt.
Moore.	Regan.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.

Absent.

Cousins.	Russek.
Patton.	

Absent—Excused.

Fellbaum.	Martin.
Greer.	Sanderford.
Holbrook.	Woodul.
Hopkins.	Woodward.

Senator Parr moved to recess until 8:00 o'clock tonight. The motion was lost.

Senator Stone moved to recess until 2 o'clock p. m. The motion was lost.

### Recess.

On motion of Senator Stone, the Senate, at 11:40 o'clock a. m., recessed until Monday morning at 10 o'clock.

### SEVENTY-FIRST DAY—(Cont'd).

Senate Chamber,  
Austin, Texas,  
May 8, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

### Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill and resolutions:

S. C. R. No. 56. H. J. R. No. 14.  
H. B. No. 807.

### Bill Introduced.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bill:

By Senators Moore, Russek, Poage, Purl and Beck:

S. B. No. 551, A bill to be entitled "An Act amending Article 2529, Chapter 1, Title 47, Revised Statutes, as amended by Chapter 57, First Called Session, Fortieth Legislature, as further amended by Chapter 124, General Laws, Regular Session, Forty-first Legislature, to authorize the State Depository Board to accept warrants drawn against the general revenue fund of the State as collateral to secure deposits made by the State in State depositories, and declaring an emergency."

Read and referred to Committee on Banks and Banking.

Senator Greer asked unanimous consent to introduce a congressional redistricting bill.

Objection was heard.

Senator Greer moved to suspend the rule prohibiting introduction of bills after the first 52 days of the session and permit the introduction of the bill. The motion was lost by the following vote:

## Yeas—16.

Beck.	Pace.
Cousins.	Parr.
Duggan.	Patton.
Fellbaum.	Redditt.
Greer.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodward.

## Nays—7.

Blackert.	Poage.
Collie.	Rawlings.
Holbrook.	Small.
Neal.	

## Present—Not Voting.

DeBerry	Oneal.
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## Absent.

Martin.	Russek.
Purl.	Woodul.
Regan.	

## Absent—Excused.

Hopkins.

(25 votes required.)

Senator Cousins inquired whether refusal to permit the introduction of the bill at this time would prevent its being offered again for introduction later.

The Chair, Lieutenant Governor Edgar E. Witt, held that it would not.

## Senators Excused.

Senator Hopkins was excused indefinitely on account of important business, on motion of Senator Hornsby.

## S. C. R. No. 59.

Senator Woodul sent up the following resolution:

Whereas, Under the provisions of House Joint Resolution No. 14, as now written if adopted by the people, the county commissioners court can fix the compensation within certain limits, of district judges and county auditors; and,

Whereas, There should be no question of the freedom of these officers from local politics and influences or harassment; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That

the House be requested to return to it House Joint Resolution No. 14 for further consideration.

## WOODUL.

The resolution was read.

Senator Woodul moved to suspend the rule requiring resolutions to be referred before consideration. The motion prevailed.

The resolution was adopted.

## S. C. R. No. 60.

Senator Oneal sent up the following resolution:

Whereas, The several states have as among themselves tax problems, and particularly the enforcement of certain forms of taxation, that can not be satisfactorily adjusted without cooperative action on the part of the states; and,

Whereas, By cooperation between adjoining and neighboring states enforcement of the collection of several of the various kinds of taxes levied by the respective states could be greatly facilitated and the expenses in the enforcement of collection largely decreased and the burdens of such taxes upon the honest taxpayers could be considerably lightened; and,

Whereas, To enable the states better to cooperate among themselves by agreements and interstate compacts concerning the enforcement of the collection of taxes, it would be necessary for the Congress to pass an enabling and consenting Act authorizing the making of such agreements; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That it is the opinion of the Legislature of the State of Texas that the several states should, by agreement, cooperate among themselves in aiding each other in the proper enforcement of their tax laws; and that it is the opinion of the Legislature of the State of Texas that the adjoining and neighboring states should cooperate with each other to the end that the burden of taxation on the honest taxpayers may be lightened by the equal enforcement of the law as to all subject to such taxes; be it further

Resolved, That it is the opinion of the Legislature of the State of Texas that the Congress of the United

States should facilitate agreements and compacts between the states for cooperative action in connection with the tax laws of the states by a general enabling and consenting Act; be it further

Resolved, That a duly authenticated copy of this resolution, upon the final passage of the same, be by the Secretary of the Senate sent to each member of Congress from the State of Texas and to the Secretary of the Interstate Commission on Conflicting Taxation.

ONEAL.

Read and referred to Committee on Federal Relations.

**Senate Simple Resolution No. 106.**

Senator Hornsby sent up the following resolution:

Whereas, Mrs. Percy V. Pennybacker has been State President of the Texas Federation of Women's Clubs and president of the General Federation of Women's Club of the United States, and is at present director of the selection of prominent lecturers at the New York Chautauqua; and

Whereas, She and her husband were the authors of one of the best and most accurate Texas Histories; and

Whereas, She has been for years a visitor and in touch with the League of Nations and has many personal friends among the noted leaders of the World Peace Movement; and

Whereas, She is one of the most widely known and distinguished women that Texas has yet produced, and in her world-wide travel has brought renown to Austin as the home of Mrs. Percy V. Pennybacker. Therefore be it

Resolved, That this brilliant speaker and most charming and distinguished person be accorded the privileges of the floor and invited to address the Senate.

HORNSBY.

Read and adopted.

**Senate Bill No. 94.**

The Chair laid before the Senate, as pending business, the following bill:

By Senators Greer and Pace:

S. B. No. 94, A bill to be entitled "An Act appropriating four million (\$4,000,000) dollars per year, or

so much thereof as may be necessary, for the next two fiscal years for the purpose of promoting the public school interests of rural schools and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, attaching conditions, regulations and limitations relative thereto, authorizing aid to such schools in accordance with the conditions herein specified, etc., and declaring an emergency."

The question recurred upon committee amendment No. 5, as amended. The amendment was adopted.

Senator Greer sent up the following amendment:

Amend Section 7 of S. B. No. 94, by substituting a semicolon for the period on line 25 and adding "Provided that this section does not apply to school districts that levy and assess a one dollar tax on the one hundred dollar valuation of taxable property."

GREER.

Read and adopted.

Senator Moore sent up the following amendments:

Amend committee amendment No. 2 to S. B. No. 94 as follows:

By striking out all after the period in line 50 and substitute in lieu thereof the following: "Any school district that shall reduce its existing tax rate and/or tax rates thereby enabling it to participate under this Act shall not be eligible to receive aid from any of the funds herein provided."

MOORE.

Read and adopted.

Amend S. B. No. 94 by adding a new section as follows:

Sec. 22-a. It shall be the duty of the State Board of Education and the State Superintendent of Public Instruction to pay by warrant not more than fifty (50%) per cent of the total amount allotted to any one school as an initial payment, and that the remaining payments shall be made on a percentage basis to the schools in such manner and amounts that the total expenditures for any one year shall not exceed the total appropriation for that year.

It is specifically provided herein that the State Board of Education and the State Superintendent of Public Instruction shall not pledge the

State nor incur obligations against the rural aid fund in any amount or in any one year in excess of the amount herein appropriated.

The State Board of Education and the State Superintendent of Public Instruction are hereby prohibited from paying any one or more schools its or their allotment in an amount greater, on a percentage basis, than is paid any other school. This provision shall apply to all allotments and claims and/or appropriations provided for in this measure.

MOORE,  
POAGE,  
STONE.

Read and adopted.

Amend S. B. No. 94, page 2, as follows:

By striking out all after the word "month" in line 53, down to and including the word "claims" in line 55.

MOORE.

Read and adopted.

Amend S. B. No. 94 by striking out Section 13, and renumbering the succeeding sections.

MOORE.

The amendment was read.

#### Request to Introduce Bill.

Senator Cousins asked unanimous consent to introduce a bill amending the Congressional Redistricting Bill now in the Governor's office awaiting her signature.

Senator Purl raised the point of order that the redistricting bill had not yet become a law and a bill to amend it before it became a law was out of order.

The Chair, Senator Rawlings, sustained the point of order.

#### Invitation Extended.

Senator Hornsby sent up the following invitation:

Hon. Edgar E. Witt, President of the Senate.

Dear Governor Witt: This is to most cordially invite you and Lady Witt, and all of the members of the Senate and their ladies, to a Prosperity Dance to be given to the members of the Legislature as a courtesy of the Austin Chamber of Commerce Tuesday night, May 9, at the Driskill Hotel from 9 p. m. until we take out.

The old Driskill Hotel is an ideal place for such an affair and Steve Gardner's Orchestra will furnish the music. "Nuff said."

It is our hope that not a single member will be absent when the roll is called.

With sincerest good wishes, I am

Faithfully yours,  
JNO. W. HORNSBY,  
Senator 20th District.

#### Recess.

On motion of Senator Patton, the Senate, at 12:17 o'clock p. m., recessed until 2 o'clock p. m.

#### After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### House Bill No. 612.

Senator Fellbaum received unanimous consent for H. B. No. 612 to be re-committed to the Committee on Game and Fish.

#### Senate Bill No. 94.

The question recurred upon the amendment by Senator Moore to S. B. No. 94.

The amendment was adopted by the following vote:

Yeas—18.

Beck.	Poage.
Collie.	Purl.
DeBerry.	Rawlings.
Duggan.	Regan.
Fellbaum.	Russek.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
ONeal.	Woodward.

Nays—12.

Blackert.	Pace.
Cousins.	Parr.
Greer.	Patton.
Holbrook.	Redditt.
Hornsby.	Sanderford.
Neal.	Small.

Absent—Excused.

Hopkins.

Senator Moore sent up the following amendments:

Amend S. B. No. 94 by adding a new section to be known as Section 22-a which shall read as follows:

"Section 22-a. It shall be unlawful for any county school superintendent or the superintendent of any common or independent school district, school teacher, county trustee and/or district trustee or any other person directly or indirectly to use or promise to use, pay or promise to pay any of the funds herein appropriated for the purpose of paying the salary and/or expenses of any person or persons to maintain a lobby for any purpose. Violation of this provision shall forfeit the right or rights of the county or any school district in the county from participating in the funds herein appropriated."

MOORE,  
BECK.

Read and adopted.

Amend S. B. No. 94, page 2, line 40 by striking out the words "not less than" and insert in lieu thereof the word "approximately."

MOORE,  
COLLIE.

Read and adopted.

Senator Poage sent up the following amendment:

Amend Section 5, page two of Senate Bill No. 94 by adding at the end of said section the following:

"Provided all districts in which any parochial school is maintained shall be exempt from all of the provisions of this Section."

POAGE,	BLACKERT,
MURPHY,	RUSSEK,
HOLBROOK,	PURL,
STONE,	PATTON,
REGAN,	BECK,
PARR,	SANDERFORD,
HORNSBY,	MARTIN,
MOORE,	NEAL,
FELLBAUM,	WOODWARD.

Read and adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 94 by adding a new section to read as follows:

"Sec. 12-b. No school trustee shall be employed as driver of any school bus, as provided in this Act."

PURL.

Read and adopted.

Senator Moore sent up the following amendment:

Amend S. B. No. 94 by adding a new section to be known as "Section 17-a," which shall read as follows:

"Section 17-a. No part of the funds herein provided shall be expended, directly or indirectly, in payment of the salary and/or expenses of county and/or rural school supervisors."

MOORE,  
PURL,  
STONE.

Read and adopted.

Senator Purl sent up the following amendment:

Amend Senate Bill No. 94 by striking out the words and figures "four million dollars" on line 41, page 1, and inserting in lieu thereof the words and figures "three million dollars" and by striking out the words and figures "four million dollars" in lines 42 and 43 on page 1 and inserting in lieu thereof the words and figures "three million dollars."

STONE,  
PURL.

The amendment was read.

Senator Greer moved to table the amendment. The motion prevailed by the following vote:

Yeas—18.

Blackert.	Pace.
Collie.	Parr.
Duggan.	Patton.
Greer.	Redditt.
Holbrook.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Woodul.

Nays—10.

DeBerry.	Purl.
Fellbaum.	Rawlings.
Hornsby.	Stone.
Martin.	Woodruff.
Poage.	Woodward.

Absent.

Beck. Cousins.

Absent—Excused.

Hopkins.

Senator Purl sent up the following amendment:

Amend S. B. No. 94 by striking out after the word "appropriated", line 51, through line 57. Substitute the following:

After the word "appropriated," by striking out the lines down to and including 57, and substitute in lieu thereof the following: "The county superintendent and county school board shall make the inspection and file the report, in harmony with the instructions from the State Board of Education, as stated above in said section."

PURL.

The amendment was read.

Senator Greer moved to table the amendment. The motion prevailed by the following vote:

Yeas—21.

Blackert.	Patton.
Duggan.	Poage.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—7.

Beck.	Martin.
Collie.	Purl.
DeBerry.	Woodruff.
Fellbaum.	

Absent.

Cousins.	Rawlings.
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Absent—Excused.

Hopkins.

Senator Stone sent up the following amendment:

Amend S. B. No. 94 as follows:  
By striking out all of Section 8.

STONE.

The amendment was read.

Senator Collie sent up the following substitute for the amendment:

Amend S. B. No. 94 by adding after Section 8, page 2, another section to be denominated Section 8-a, and to read as follows:

Sec. 8-a. That Article 2889-a, of Subdivision 2, of Title 49, of the Revised Civil Statutes of the State of Texas, 1925, be amended so as to hereafter read as follows:

Article 2889-a. Special Certificate: Any person who for six years or more has been the holder of a State first grade certificate or its equivalent, and who can furnish evidence of successful experience in teaching in the public schools for six or more sessions subsequent to September 1, 1910, shall be entitled to receive a State permanent first grade certificate.

Any person who for six years or more has been the holder of a State first class elementary certificate, or its equivalent, and who can furnish evidence of successful experience in teaching in the public schools for six or more sessions subsequent to September 1, 1910, shall be entitled to receive a State elementary permanent certificate.

Any person who has been engaged in teaching a special subject in the public school for a period of four years, and who has been employed to teach the said subject during the last three years prior to September 1, 1925, shall be exempt from the requirement to hold a teacher's special certificate so long as he or she continues to be employed to teach the same subjects; provided that any person who has been engaged in the teaching of music, or writing and drawing in the public schools of Texas for ten years shall be exempt from the present law and be given a life certificate in that subject.

Any teacher who applies for a Texas teachers certificate on credentials from another state may be granted by the State Superintendent an emergency certificate valid for four months, while the record is being completed, prior to determining the kind or class of certificate if any, to be issued to the applicant. The applicant shall be required to pay the same fee for the issuance of an emergency certificate as is required by law to be paid on application for other teacher's certificates.

Any person who is employed to teach any trade or industry in the public schools may, upon application to the State Superintendent, signed by the majority of the board of trustees of the school desiring his services, be issued a temporary permit to teach said trade without being required to hold the special certificate prescribed by law; providing that no permit may be granted for a longer term than two years and provided further that the fee for

issuing said permit shall be the same as is required by law for the issuance of teacher's certificates.

The provisions of this Act are cumulative of the laws now in force regulating the issuance of teacher's certificates and all laws and parts of laws in conflict with the provisions expressed herein are hereby repealed.

COLLIE.

The substitute was read.

Senator Greer raised the point of order that the substitute was not germane.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

Senator Greer moved to table the substitute. The motion prevailed.

Senator Greer moved to table the amendment. The motion prevailed.

Senator Greer sent up the following amendment:

Amend S. B. No. 94, Section 16-a, page 6, of printed copy of said bill, line 7, by striking out the word "copy" in said line and inserting in lieu thereof the word "list."

GREER,  
COLLIE.

Read and adopted.

Senator Collie sent up the following amendment:

Amend S. B. No. 94, Section 16-a, page 6, line 4, by striking out the following: "Every class room in schools applying for this aid," and insert in lieu thereof the following: "Every school applying for this library aid."

COLLIE,  
PURL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 94 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Holbrook.
Blackert.	Hornsby.
Collie.	Martin.
Cousins.	Moore.
DeBerry.	Murphy.
Duggan.	Neal.
Fellbaum.	Oneal.
Greer.	Pace.

Parr.	Russek.
Patton.	Sanderford.
Poage.	Small.
Purl.	Stone.
Rawlings.	Woodruff.
Redditt.	Woodul.
Regan.	Woodward.

Absent—Excused.

Hopkins.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hopkins.

#### Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, May 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the conference committee report on H. B. No. 399 by a vote of 113 yeas and 0 nays.

The House has concurred in Senate amendments to House Bill No. 22 by a vote of 108 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 256, A bill to be entitled "An Act appropriating four million dollars (\$4,000,000) per year, or so much thereof as may be necessary, for the next two fiscal years for the

purpose of promoting the public school interests of rural schools and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, attaching conditions, regulations, and limitation relative thereto, authorizing aid to such schools in accordance with the conditions herein specified; providing for the maintenance of all rural schools, which meet the requirements of this Act, a term of a certain length, etc., and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill Referred.

H. B. No. 256, referred to Committee on Finance.

#### Conferees Appointed.

The Chair announced the appointment of the following members of the Free Conference Committee on S. B. No. 209 on the part of the Senate:

DeBerry, Purl, Neal, Woodul and Moore.

#### Special Order Set.

On motion of Senator Patton, H. B. No. 154 was set as special order Wednesday morning at 10:30 o'clock.

#### S. C. R. No. 61.

Senator Poage sent up the following resolution:

Whereas, The State of Texas has, through the Board of Control, contracted for the purchase of automobile tires at very greatly reduced prices; and

Whereas, These reductions are made possible by reason of the buying power of the State and an increase in the amount of such purchases would be acceptable to the manufacturers, and would be calculated in the future to secure for the State an even lower price; and

Whereas, The various counties, cities and political subdivisions of the State also purchase large quantities of tires for public use, and from public funds, which expenditures are made out of monies collected from the people by taxation; and

Whereas, The inclusion of such public purchases in the State contract would result in a very material saving to the people of the various political subdivisions of the State, and would tend to enable the State to secure a lower price on the purchases it now makes. Now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Board of Control be and the same is hereby instructed to request all persons, firms, and corporations with which it now holds contracts for the sale of tires to the State of Texas to extend the privileges of purchasing tires for cash and delivery at the State depositories to all counties, cities, towns, and political subdivisions of this State on the same terms, prices, and conditions, as said tires are sold to the State of Texas, and to include such provision in any future proposals for bids on tires to be sold to the State of Texas, provided, however, that nothing contained herein in any wise, be deemed to require any county, city, town, or political subdivision of the State to purchase tires under such contract, but it is intended only to extend the privilege to them and having been only for the purpose of purchasing tires for public use.

#### POAGE.

Read and referred to Committee on State Highways and Motor Traffic.

#### Senate Bill No. 246.

Senator Parr asked unanimous consent to take up out of its regular order S. B. No. 246.

Objection was heard.

#### Senate Bill No. 551.

The Chair laid before the Senate by unanimous consent, the following bill:

By Senator Moore:

S. B. No. 551, A bill to be entitled "An Act to authorize the State Depository Board to accept warrants drawn against the General Revenue Fund of the State as collateral, etc., and declaring an emergency."

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 551 was



put on its second reading by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hopkins.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 551 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hopkins.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Collie.
Blackert.	Cousins.

DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Absent—Excused.

Hopkins.

#### Senate Bill No. 246.

Senator Parr moved to suspend the regular order of business and take up S. B. No. 246 and lay it on the table subject to call.

#### Recess.

Senator Pace moved to recess until 9 o'clock tomorrow morning.

Senator Moore moved to recess until 8 o'clock tonight.

The motion to recess until tomorrow morning prevailed, and at 5:55 o'clock p. m. the Senate recessed.

#### APPENDIX.

##### Petitions and Memorials.

(Telegram.)

El Paso, Texas, May 7, 1933.

Hon. Edgar Witt, President, Texas Senate, Senate Bldg., Austin, Tex.

After hearing Miss E. Osborn of New York speak before El Paso League of Women Voters today on World Crisis in Disarmament, the League respectfully urges that Miss Osborn be permitted to address the Legislature in joint session upon this vital question some time Monday, May 8th stop Miss Osborn is Geneva student and Columbia University student in international law. Please notify her at one nineteen Davis Court, San Antonio, Texas, care of Miss Mildred Harrison.

MRS. FRANCIS W. EDWARDS,  
President.

MRS. O. A. CRITCHETT,  
Legislative Chairman.

MRS. D. J. McCANNE,  
Chairman, International Relations.

MRS. C. H. LESTER,  
League Member.

(Telegram.)

Galveston, Texas, May 6, 1933.  
Hon. Edgar Witt, President State  
Senate, Austin, Texas:

Following resolution passed this morning by Texas section American Society of Civil Engineers stop Resolved by the Texas section of the American Society of Civil Engineers in convention assembled that we favor the creation of effective State machinery with proper personnel and finances for the handling and coordination of relief and rehabilitation activities in Texas during the existing emergency and further resolved that the Society pledge its full cooperation in this work of relief and rehabilitation.

TEXAS SECTION, AMERICAN  
SOCIETY OF CIVIL ENGI-  
NEERS.

Seton Infirmary.

Austin, Texas, May 6, 1933.  
Hon. Bob Barker, Secretary of the  
Senate of Texas, Austin, Texas.

My Dear Mr. Barker: I am in receipt of your letter of yesterday, enclosing copy of Senate Resolution No. 101, adopted by the Senate, expressive of their sympathy for me in my recent severe illness, and coupled with a wish that I may soon be restored to health and be myself again, as well as the beautiful flowers accompanying the same.

This spontaneous expression on the part of those with whom I have been so intimately associated in the service of our State during the many years of the past, is indeed a matter not only of solace but of real comfort, equivalent to all of the assistance, medical, physical and spiritual of my many other friends combined; and coming as it did when the twilight hours of life seemed imminently at hand, can never be and shall never be forgotten.

Permit me through this letter, to express to the Senate collectively and to each Senator individually and to Lieutenant Governor Witt and your own good self, my real and deepest appreciation of this interest manifested in me and my condition by those whose confidence I have always deemed it an honor to possess, whose respect I shall ever seek to merit and whose love and affection I revere.

Faithfully and sincerely,

JOHN H. BAILEY.

(Telegram.)

Washington, D. C., May 7, 1933.  
Hon. Bob Barker, Secretary of the  
Senate, Austin, Texas:

I am mindful of the very great honor paid me by the Senate of Texas in the resolution commending to the President of the United States my selection as Chairman of the Board of the Reconstruction Finance Corporation stop Please be kind enough to express to each member of the Senate my genuine appreciation of their estimate of my patriotism and assure them that it will be my purpose to so conduct the office as to merit their regard so genuinely expressed.

JESSE H. JONES.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 56 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, May 8, 1933.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. R. No. 844, A bill to be entitled "An Act prohibiting certain practices in the production of oil and gas within this State, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed in lieu of advance printing.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 535, A bill to be entitled "An Act amending Article 6166 of the Revised Civil Statutes of Texas, 1925, as amended by the Acts of

the 40th Legislature, Regular Session, 1927, by adding thereto a new section relating to the removal of prisoners to the penitentiary; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 482, A bill to be entitled "An Act regulating the taking of fish and other aquatic life from the waters of navigable streams in Palo Pinto and Parker Counties, prescribing who should be entitled to ingress and egress to and from said streams for said purpose, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 536, A bill to be entitled "An Act amending Section 1, Article 1029, of the Texas Code of Criminal Procedure, relating to fees of sheriff or constable; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 519, A bill to be entitled "An Act repealing Article 1024,

Chapter 2, Title 15, Code of Criminal Procedure, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 97, A bill to be entitled "An Act amending Article 841 of the Code of Criminal Procedure of the State of Texas, 1925, so as to provide that the clerk of a court from which an appeal is taken shall prepare a transcript in duplicate in every case, the copy to be filed in the trial court with the original papers in the case; providing no charge shall be made for extra copy, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 30, Proposing an amendment to Article VII of the Constitution of the State of Texas so as to authorize the taxation of lands belonging to the University of Texas for county and school district purposes; and providing for valuation of these lands by State Tax Board; and providing for the payment of such taxes by the University of Texas to the proper authorities of the counties and school districts where said lands are located; providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with

committee amendment attached hereto, and be printed.

ONEAL, Chairman.

Committee Amendment.

Amend H. J. R. No. 30 by adding in Section 1, line 9 thereof, immediately after the word "Board" and before the semi-colon, the following:

"and that the values fixed for school district purposes shall not exceed the values fixed for county purposes on the same land."

Committee Room,

Austin, Texas, May 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 520, A bill to be entitled "An Act amending Article 1025, Chapter 2, Title 15, Code of Criminal Procedure, so as to provide for the payment of fees by the State to county and district attorneys for representing the State in habeas corpus proceedings only when the applicant is charged with a capital offense, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 448, A bill to be entitled "An Act amending Article 714 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Crim-

inal Jurisprudence, to whom was referred

S. B. No. 449, A bill to be entitled "An Act amending Article 666 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 450, A bill to be entitled "An Act amending Article 23 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 451, A bill to be entitled "An Act amending Article 710 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 8, 1933.

Hon. Edgar E. Witt, President of the Senate,

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 452, A bill to be entitled "An Act amending Article 658 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, May 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 453, A bill to be entitled "An Act amending Article 659 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, May 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 457, A bill to be entitled "An Act amending Article 650 of the Code of Criminal Procedure of the State of Texas, and repealing Article 651 and Article 711 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,  
Austin Texas, May 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 458, A bill to be entitled "An Act amending Article 677 of the Code of Criminal Procedure of the

State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, May 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred

S. B. No. 551, A bill to be entitled "An Act amending Article 2529, Chapter 1, Title 47, Revised Statutes, as amended by Chapter 57, First Called Session, Fortieth Legislature, as further amended by Chapter 124, General Laws, Regular Session, Forty-first Legislature, to authorize the State Depository Board to accept warrants drawn against the general revenue fund of the State as collateral to secure deposits made by the State in State depositories, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RUSSEK, Chairman.

Committee Room,  
Austin, Texas, April 20, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 296, A bill to be entitled "An Act to amend Article 1665 of the Revised Civil Statutes of Texas, 1925, providing for quarterly and annual reports of the county auditor to the commissioners court, and district judge, or judges of his county. Providing for contents of said report, providing for the time of filing, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

FELLBAUM, Chairman.

## Final Disposition of Bills.

## SUPPLEMENT.

Number of Bill or Resolu- tion	Date Filed	Vote	
		House	Senate
H. C. R. No. 38.....	May 5, 1933 ..... 11:34 a. m.	Adopted	Adopted
H. C. R. No. 49.....	May 6, 1933 ..... 12:00 noon	Adopted by viva voce vote	Adopted
H. C. R. No. 59.....	May 6, 1933 ..... 12:00 noon	Adopted	Adopted
H. C. R. No. 60.....	May 6, 1933 ..... 12:00 noon	Adopted by viva voce vote	Adopted
H. C. R. No. 69-a.....	May 6, 1933 ..... 12:00 noon	Adopted	Adopted
H. B. No. 71.....	May 6, 1933 ..... 12:00 noon	Yeas 111 Nays 0	Yeas 24 Nays 2
H. B. No. 407.....	May 6, 1933 ..... 12:00 noon	Yeas 108 Nays 2	Yeas 26 Nays 2
H. B. No. 852.....	May 6, 1933 ..... 12:00 noon	Yeas 112 Nays 0	Yeas 29 Nays 0

W. W. HEATH, Secretary of State.

## SEVENTY-FIRST DAY—(Cont'd)

Senate Chamber,  
Austin, Texas,  
May 9, 1933.

The Senate met at 9 o'clock a. m., pursuant to recess, and was called to order by President Pro Tem. Walter Woodul.

## House Bill No. 256.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Mr. Harman and Mr. Laird:

H. B. No. 256, A bill to be entitled "An Act appropriating four million (\$4,000,000) dollars per year, or so much thereof as may be necessary, for the next two fiscal years for the purpose of promoting the public school interests of rural schools and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, etc., and declaring an emergency."

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was

suspended and H. B. No. 256 was put on its second reading by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hopkins.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

On motion of Senator Holbrook, the bill was amended by substituting for the bill and the caption the wording and caption of S. B. No. 94, as amended.

The bill as amended was passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 256 was put on its third reading and final passage by the following vote:

## Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

Hopkins.

Read third time and finally passed by the following vote:

## Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Nays—1.

DeBerry.

## Absent—Excused.

Hopkins.

## Senate Bill No. 550.

The Chair laid before the Senate on its second reading, by unanimous consent, the following bill:

By Senator Holbrook:

S. B. No. 550, A bill to be entitled "An Act making an emergency appropriation out of the general revenue fund of the State to the Secretary of State to be used in having the general and special laws of the Forty-third Legislature compiled, edited, indexed, printed, bound and distributed; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 550 was put on its third reading and final passage by the following vote:

## Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

Hopkins.

Read third time and finally passed by the following vote:

## Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hopkins.

**Senate Bill No. 246.**

The question recurred upon the motion to suspend the regular order of business and take up S. B. No. 246.

The roll call showed 17 present.

**At Ease.**

On motion of Senator DeBerry, the Senate, at 9:20 o'clock a. m., stood at ease until 9:40 o'clock a. m.

**After Recess.**

The Senate met at 9:40 o'clock a. m., and was called to order by Lieutenant Governor Edgar E. Witt.

**Senate Bill No. 246.**

The motion to take up S. B. No. 246 prevailed by the following vote:

**Yeas—19.**

Beck.	Oneal.
Blackert.	Pace.
Duggan.	Parr.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Woodul.
Moore.	Woodward.
Murphy.	

**Nays—6.**

Collie.	Poage.
Cousins.	Purl.
DeBerry.	Woodruff.

**Absent.**

Neal.	Redditt.
Patton.	Stone.
Rawlings.	

Absent—Excused.

Hopkins.

The Chair laid before the Senate on its third reading the following bill:

By Senators Small and Parr:

S. B. No. 246, A bill to be entitled "An Act to amend Article 5368, Revised Civil Statutes of Texas of 1925, so as to constitute the owner of the soil the agent of the State to institute and prosecute in his own name any suit or suits to set aside for

fraud or other illegality or invalidity any sale or lease to any person, firm or corporation of the oil, gas or other minerals, on or under any such land, and to validate all suits, heretofore brought, for such purposes by the owner of the soil and authorize the continued prosecution to final judgment of any such suits in the name of said owner and to make the said judgments rendered in said causes binding upon the State, and declaring an emergency."

Read third time and finally passed by the following vote:

**Yeas—18.**

Beck.	Neal.
Blackert.	Pace.
Duggan.	Parr.
Fellbaum.	Patton.
Greer.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Woodul.
Murphy.	Woodward.

**Nays—11.**

Collie.	Purl.
Cousins.	Rawlings.
DeBerry.	Small.
Holbrook.	Stone.
Oneal.	Woodruff.
Poage.	

**Absent.**

Redditt.

Absent—Excused.

Hopkins.

**Senator Excused.**

On motion of Senator Fellbaum, Senator Rawlings was excused for the remainder of the day on account of important business.

**Senate Bill No. 532.**

Senator Small asked unanimous consent to take up out of its regular order S. B. No. 532.

Objection was heard.

**Senate Bill No. 259.**

The Chair laid before the Senate, as pending business, the following bill:

By Senator Small:

S. B. No. 259, A bill to be entitled "An Act authorizing the governing boards of the Agricultural and Mechanical College of Texas, including



the State Agricultural Experiment Station System, and the Extension Service and Rodent Control Service, North Texas Agricultural College, John Tarleton Agricultural College, Prairie View State Normal and Industrial College, University of Texas, including all branches of the University and the College of Mines and Metallurgy at El Paso, College of Industrial Arts, Texas College of Arts and Industries, Texas Technological College, East Texas State Teachers College at Commerce, North Texas State Teachers College at Denton, Sam Houston State Teachers College at Huntsville, Stephen F. Austin State Teachers College at Nacogdoches, Southwest Texas State Teachers College at San Marcos, Sul Ross State Teachers College at Alpine, and the West Texas State Teachers College at Canyon to retain control of fees and other local institutional income collected at said schools; defining such fees and local institutional income, etc., and declaring an emergency."

The question recurred upon the pending amendment by Senator DeBerry. The amendment was lost by the following vote:

## Yeas—7.

Beck.	Oneal.
Collie.	Poage.
DeBerry.	Purl.
Murphy.	

## Nays—21.

Blackert.	Parr.
Cousins.	Patton.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Pace.	

## Absent.

Woodward.

## Absent—Excused.

Hopkins. Rawlings.

Senator Small called up from the Journal the motion to reconsider the vote by which the previous amendment by Senators DeBerry and Poage was adopted.

Senator DeBerry moved to table the motion. The motion to table was lost by the following vote:

## Yeas—10.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Oneal.
DeBerry.	Poage.
Martin.	Purl.

## Nays—20.

Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Neal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

## Absent—Excused.

Hopkins.

The motion to reconsider prevailed by the following vote:

## Yeas—19.

Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Small.
Hornsby.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

## Nays—10.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Oneal.
DeBerry.	Poage.
Martin.	Purl.

## Absent.

Sanderford.

## Absent—Excused.

Hopkins.

Senator Woodruff moved to table the amendment. The motion prevailed by the following vote:

## Yeas—20.

Cousins.	Greer.
Duggan.	Holbrook.
Fellbaum.	Hornsby.

Neal.	Russek.
Pace.	Sanderford.
Parr.	Small.
Patton.	Stone.
Rawlings.	Woodruff.
Redditt.	Woodul.
Regan.	Woodward.

Nays—10.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Oneal.
DeBerry.	Poage.
Martin.	Purl.

Absent—Excused.

Hopkins.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 259 by striking out everything below the enacting clause and insert the following:

Section 1. All funds of every character, received by, collected for, or belonging to State departments, institutions, schools, colleges, universities, boards, bureaus, commissions or other agencies of the State government shall, within ten days of receipt, be paid over to the State Treasurer by the Board, superintendent, department head, or other person receiving such funds, by remitting same to the State Treasurer and same shall be credited to the General Revenue Fund. When such funds are forwarded to the State Treasurer, such funds shall be accompanied by a report, on form to be prescribed by the Comptroller of Public Accounts of this State, showing details of the items forwarded, and a copy of such report of items forwarded shall at the same time be forwarded to the Comptroller.

Sec. 2. All trust funds, gifts, or donations, made to any State school, university, institution or department, shall be handled strictly in accordance with the terms of the trust, donation, will or deed of gift, and shall be managed and controlled as provided in such trust, donation, will or deed of gift. In event no instructions or directions as to persons, place of deposit or management of any trust estate, donations, or gift, were made, then and then only such trust estate, donation, or gift shall be deposited in the State Treasury; each such trust estate, do-

nation or gift so deposited to be in a special fund separate and apart from the General Revenue Fund, and all warrants drawn on any such special fund shall be special warrants and not general revenue warrants. Any trust estate, donation, or gift so deposited shall be managed, in the absence of instructions in the trust, will, donation or deed of gift, by the governing body of the school, university, department, or institution to which donated or for which established, and no diversions shall be made from the purposes set forth in such trust or donation.

Sec. 3. In the case of institutions or other agencies where perishables and other minor emergency purchases are required to be paid for at the time of delivery "petty cash" or revolving funds may be maintained, in such amounts as may be necessary to supply the emergency needs of such agencies, the specific amounts to be allowed each institution or agency as revolving funds or "petty cash" to be specified by the Legislature in the appropriation bills and appropriation made therefor, and such "petty cash" funds shall be charged to the superintendent, department head or other official in charge of the institutions or other agency to whom such funds are allotted on the books of the Comptroller and such official shall be responsible for the proper accounting for such funds.

Disbursements from "petty cash" or revolving funds provided for by this Act shall in all cases be supported by receipts or receipted invoices for amounts paid and such receipts shall be signed by the individual to whom payment was made; receipts signed only by the storekeeper, cashier, or other official or employee of the State agency making the payment shall in no case be accepted and advances on salaries and personal loans from such funds are expressly prohibited by this Act. Weekly statements of disbursements from such funds shall be made to the Comptroller on forms specified by the Comptroller; such statements to be claims for reimbursements for expenditures made from the funds; and the statement shall in all cases be accompanied by receipts, or invoices properly re-

ceipted, for amounts paid, and shall be verified by affidavits. Reimbursements shall be made from available appropriation by warrants drawn by the Comptroller on the State Treasurer for the amount expended. Reimbursement warrants shall be made payable to the official in charge of the institutions or agency to whom the fund is charged. At all times, the cash on hand, plus the amounts of receipts and receipted invoices on hand which have not yet been reimbursed to the custodian of the fund, shall equal the amount of the fund.

Sec. 4. This Act shall become effective from and after the first day of September A. D. nineteen hundred and thirty-three, and it shall be unlawful, after that date, for any official or employee of any department, institution, school, college university, board, bureau, commission or other agency of the State government to keep on deposit elsewhere than with the State Treasurer, any funds received by him belonging to or intrusted to such State agency except the "petty cash" or revolving funds herein provided.

Sec. 5. Any State employee, officer, agent, member of a governing board of any State school or institution, or other person who violates any provision of this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred (\$100.00) dollars, nor more than one thousand (\$1,000.00) dollars, and in addition shall be sentenced to not less than thirty (30) days nor more than six months in the county jail. Each day in excess of ten (10) days that any such funds are so withheld shall constitute a separate offense. No warrant shall be drawn in favor of any State employee, officer, agent, member of a governing board of any State school or institution, or other person, who withholds any sum of money required by this Act to be deposited in the State Treasury, so long as such sum or sums are so withheld. The venue of all prosecutions under this Act is hereby fixed in Travis County.

Sec. 6. If any section, part or sentence of this Act shall be held to be unconstitutional, such holding shall not affect the remaining portion of this Act, and it is hereby

declared that the Legislature would have enacted that part which is constitutional without having enacted the unconstitutional part, if any.

Sec. 7. The fact that under the present laws many State institutions, schools, colleges, universities, boards, bureaus, commissions and other State agencies are now maintaining special bank accounts, and receiving and disbursing many thousands of dollars, and that no records of such receipts and disbursements are made on the books of the Comptroller or State Treasurer of this State and the further fact that many of the special bank accounts maintained are not secured by proper bonds or other securities, and the further fact that in many cases the banks in which such funds are kept do not pay depository interest on such funds creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule for the reading of bills on three several days in each House, and said rule is hereby suspended, and this Act is made to take effect from and after its passage, and it is so enacted.

DeBERRY.

The amendment was read.

#### Messages from the House.

Hall of the House of Representatives,  
Austin, Texas, May 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. B. No. 209. The following are conferees on the part of the House:

Savage, Van Zandt, Camp, Dean, Duvall.

The House has refused to concur in Senate amendments to H. C. R. No. 71 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Metcalf, Barrett, Scott, Anderson of Johnson, Townsend.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, May 9, 1933.

Hon. Edgar E. Witt, president of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following resolution:

S. C. R. No. 57, Requesting the  
President of the United States not to  
appoint a director or dictator for  
the oil industry of this nation, in  
so far as may apply to the State of  
Texas.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Free Conference Granted.

On motion of Senator Woodward,  
the Senate granted the request of the  
House for a Free Conference Com-  
mittee on H. C. R. No. 71.

The Chair appointed the follow-  
ing on the part of the Senate:

Woodward, Regan, Small, Moore,  
Hornsby.

#### Senate Simple Resolution No. 107.

Senator Woodruff sent up the fol-  
lowing resolution:

Whereas, The Honorable Silliman  
Evans, a native Texan, with a varied  
and colorful experience as a news-  
paper man and journalist of nation-  
wide fame, a man whose industry,  
activity and sound judgment has  
placed him in positions of trust and  
high official responsibility in the de-  
velopment of commercial aero-  
nautics, is within the bar of the  
Senate; and

Whereas, This splendid young  
Texan has distinguished himself in  
the councils of the Democratic Party  
and contributed liberally of his time,  
thought and material means to the  
success of his party in the General  
Elections last year, and has been  
appointed by the President of the  
United States to be Fourth Assistant  
Postmaster General, thus conferring  
upon this outstanding young Texan  
and upon his fellow citizens a signal  
honor; and

Whereas, It is a pleasure to have  
this young man mingling with his  
old friends and associates in the  
Senate of Texas; therefore, be it

Resolved, That the said Silliman  
Evans be extended the privileges of  
the floor of the Senate during his

sojourn in the City of Austin, and  
that he be cordially invited to ad-  
dress the Senate.

WOODRUFF.

The resolution was read and  
adopted.

#### Silliman Evans Addresses Senate.

The Chair appointed Senators  
Woodruff and DeBerry to escort Mr.  
Evans to the platform.

The Chair introduced Senator De-  
Berry who introduced Mr. Evans.  
Mr. Evans briefly addressed the Sen-  
ate.

#### Motion to Introduce Bill.

Senator Cousins asked unanimous  
consent to introduce a bill. Objec-  
tion was heard.

Senator Cousins moved to sus-  
pend the rule prohibiting introduc-  
tion of bills after the first 52 days  
of the session and permit him to in-  
troduce the bill.

#### Recess.

On motion of Senator Moore, the  
Senate, at 12:05 o'clock p. m., re-  
cessed until 2 o'clock p. m.

#### After Recess.

The Senate met at 2 o'clock p. m.,  
pursuant to recess, and was called  
to order by Lieutenant Governor  
Edgar E. Witt.

#### Senate Bill No. 259.

The question recurred upon the  
pending amendment to S. B. No.  
259.

Senator Stone moved to table the  
amendment. The motion prevailed  
by the following vote:

#### Yeas—19.

Cousins.	Patton.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.
Parr.	

#### Nays—8.

Beck.	Collie.
Blackert.	DeBerry.

Moore. Poage.  
Murphy. Purl.  
  
Absent.  
  
Oneal. Sanderford.  
Rawlings.  
  
Absent—Excused.

Hopkins.

Senator Purl sent up the following amendment:

Amend S. B. No. 259, by adding a new section to read as follows:

Provided, nothing in this Act shall be construed as authorizing the spending of any local funds locally, which the Attorney General has heretofore ruled belongs in the State Treasury.

PURL.

The amendment was read.

Senator Woodruff moved to table the amendment. The motion prevailed by the following vote:

Yeas—20.

Cousins. Patton.  
Duggan. Redditt.  
Fellbaum. Regan.  
Greer. Russek.  
Holbrook. Sanderford.  
Hornsby. Small.  
Martin. Stone.  
Moore. Woodruff.  
Pace. Woodul.  
Parr. Woodward.

Nays—5.

Collie. Poage.  
DeBerry. Purl.  
Murphy.

Absent.

Blackert. Rawlings.  
Oneal.

Absent—Excused.

Hopkins.

(Pair Recorded.)

Senator Beck (present) who would vote nay, with Senator Neal (absent) who would vote yea.

The bill was passed to engrossment by the following vote:

Yeas—20.

Cousins. Fellbaum.  
Duggan. Greer.

Holbrook. Regan.  
Hornsby. Russek.  
Martin. Sanderford.  
Moore. Small.  
Pace. Stone.  
Parr. Woodruff.  
Patton. Woodul.  
Redditt. Woodward.

Nays—5.

Collie. Poage.  
DeBerry. Purl.  
Murphy.

Absent.

Blackert. Rawlings.  
Oneal.

Absent—Excused.

Hopkins.

(Pair Recorded.)

Senator Beck (present) who would vote nay, with Senator Neal (absent) who would vote yea.

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 259 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck. Parr.  
Blackert. Patton.  
Cousins. Poage.  
DeBerry. Purl.  
Duggan. Rawlings.  
Fellbaum. Redditt.  
Greer. Regan.  
Holbrook. Russek.  
Hornsby. Sanderford.  
Martin. Small.  
Moore. Stone.  
Murphy. Woodruff.  
Neal. Woodul.  
Pace. Woodward.

Nays—1.

Collie.

Absent.

Oneal.

Absent—Excused.

Hopkins.

Read third time and finally passed by the following vote:

Yeas—21.

Cousins. Greer.  
Duggan. Holbrook.  
Fellbaum. Hornsby.

Martin.	Russek.
Moore.	Sanderford.
Neal.	Small.
Pace.	Stone.
Parr.	Woodruff.
Patton.	Woodul.
Redditt.	Woodward.
Regan.	

Nays—6.

Beck.	Murphy.
Collie.	Poage.
DeBerry.	Purl.

Absent.

Blackert.	Rawlings.
Oneal.	

Absent—Excused.

Hopkins.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, May 9, 1933.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 256, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Harman, Butler, Riddle, Scott, and Sullivant.

The House has passed the following bills:

H. B. No. 70, A bill to be entitled "An Act to amend Article 904, Penal Code of the State of Texas, 1925, relating to fees for hunting by a resident of this State hunting outside of the county of his residence, and to non-residents and aliens hunting in this State, fixing the fees for same; providing for the issuance of such licenses, etc."

(With engrossed rider.)

H. B. No. 226, A bill to be entitled "An Act to repeal and repealing Articles 6663 to 6674, inclusive, of the Revised Civil Statutes of Texas, 1925, and to create and creating an administrative board, to be known as the State Highway Commission, consisting of five members, to be appointed by the Governor of Texas, with advice and consent of the Senate of Texas, one from each State Highway District (defined and created in the Act) and to serve for terms of two years and, thereafter, one of each member to be elected by the qualified

voters of each such State Highway District for terms as provided for in the Act, etc., and declaring an emergency."

H. B. No. 313, A bill to be entitled "An Act prohibiting the transportation upon public highways of gasoline in excess of thirty (30) gallons with certain exceptions; providing for a penalty, and declaring an emergency."

(With engrossed rider.)

H. B. No. 279, A bill to be entitled "An Act amending Sections 3, 4, 6, 8, creating new sections to be known as Sections 8-a, 14, 15, 16, 17, 19, 20, and 23, of Chapter 107, Acts of the Regular Session of the Forty-first Legislature, relating to the creation of the Board of Pharmacy and regulating pharmacies, drug stores, and the sale of drugs; and declaring an emergency."

H. B. No. 779, A bill to be entitled "An Act to provide for the repurchase of land set apart to build the Capitol that has been recovered by the State and appropriated to the Public Free School Fund, and heretofore purchased from the State, and forfeited, or that should be forfeited for non-payment of interest accrued prior to November 1, 1932, the owner of such land or part thereof at the date of forfeiture shall have a preference right for a period of ninety (90) days after the date of notice of revaluation of such land to repurchase the same upon the terms and conditions provided in Chapter 94, page 267, Acts of 1925, as amended by the Act of 1926, Thirty-ninth Legislature, First Called Session, page 43, Chapter 25; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

S. C. R. No. 57.

The Chair, President Pro Tem. Walter Woodul, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read the following bill:

H. B. No. 22.

## Senate Bill No. 24.

The Chair laid before the Senate as pending business the following bill:

By Senators DeBerry and Woodward:

S. B. No. 24, A bill to be entitled "An Act to repeal Chapter 97, Senate Bill No. 18, Acts of the Regular Session of the Forty-first Legislature; and declaring an emergency."

Read second time.

Senator Purl sent up the following amendment:

Amend S. B. No. 24 by adding a new section to read as follows:

Nothing in this Act shall be construed as denying children between the ages of six and seven years from attending the State Public Schools but it is the intent of the Legislature of Texas that no scholastic allotment shall be made on a basis or an allotment of children under the age of seven; provided this Act shall not apply to the furnishing of free text books to children between the ages of six and seven.

PURL.

The amendment was read.

Senator DeBerry moved to table the amendment. The motion prevailed by the following vote:

Yeas—18.

DeBerry.	Parr.
Duggan.	Poage.
Fellbaum.	Rawlings.
Folbrook.	Regan.
Hrnsby.	Russek.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodward.

Nays—10.

Blackert.	Pace.
Collie.	Patton.
Cousin.	Purl.
Greer.	Redditt.
Neal.	Sanderford.

Absent.

Beck.	Woodul.
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Absent—Excused.

Hopkins.

## Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, May 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 484, A bill to be entitled "An Act providing for the repeal of Section 4-a, Chapter 22, General Laws of the Fifth Called Session of the Forty-first Legislature, being an Act providing for the sale of certain lands in Sabine Lake, and declaring an emergency."

H. B. No. 322, A bill to be entitled "An Act to fix the tuition to be collected from students registering in the schools of collegiate rank, supported in whole, or in part, by appropriation of public funds from the State Treasury, and empowering the State Board of Education to grant scholarships to such institutions, and prescribing the regulations therefor."

(With engrossed rider.)

H. B. No. 426, A bill to be entitled "An Act to regulate the business of transporting persons for hire or for compensation over the public roads, highways or bridges of the State of Texas, whether as a common carrier, contract or charter carrier, or as a transportation agency, or travel bureau for obtaining a co-traveler or co-travelers to share the expense of a trip or to act as an intermediary in connection therewith as broker, agent or otherwise, whereby the expense of a trip or trips is to be shared or to solicit, induce or encourage another to purchase an interest in a motor vehicle in violation of this Act unless the person, driver or chauffeur in charge of the motor vehicle shall first comply with the laws of this State in connection with the obtaining of proper licenses, and requiring an examination of the public records in order to ascertain if the owner, chauffeur, driver or operator of the motor vehicle has properly complied with the laws of this State, and to make the violation of this Act a misdemeanor, and declaring an emergency."

(With engrossed rider.)

Respectfully submitted

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Simple Senate Resolution No. 108.**

Senator Parr sent up the following resolution:

Amend Senate Rule No. 15 as adopted by the Regular Session of the Forty-third Legislature so it shall hereafter read as follows:

Rule 15. No member shall speak more than once in any one debate until every member desiring to do so shall have spoken; nor shall any member speak more than twice in any one debate without consent of the Senate. No member shall be permitted to speak on any subject for a period of time in excess of ten minutes without extension of time by a vote of the Senate; and when any member has spoken for such period, it shall be the duty of the Chair to call him to order immediately. The member shall be required to take his seat unless and until the Senate extend his time.

PARR.

Read and referred to the Committee on Rules.

**House Bills Referred.**

H. B. No. 322 read and referred to Committee on Educational Affairs.

H. B. No. 426 read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 70 read and referred to Committee on Game and Fish.

H. B. No. 226 read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 279 read and referred to Committee on Public Health.

H. B. No. 313 read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 779 read and referred to Committee on Public Lands and Land Office.

**Free Conference Report.**

Senator Woodward sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, May 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the two Houses on

H. C. R. No. 71, have had the same under consideration, and have reached an agreement; and beg leave to make the following recommendation:

That the Senate amendment to said resolution be rejected, and that the resolution be adopted in the form that it passed the House.

Respectfully submitted,

WOODWARD,  
SMALL,  
HORNSBY,  
MOORE,  
REGAN,

On part of the Senate.

METCALFE,  
ANDERSON,  
TOWNSEND,  
SCOTT,  
BARRETT.

On part of the House.

Read and adopted by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hopkins.

**Free Conference Report.**

Senator Rawlings sent up the following Free Conference Committee report:

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee appointed to adjust the differences between the Senate and the House of Representatives concerning the proposed amendment to the Constitution of Texas, to provide authority for counties to adopt home



rule charters for their own government of local affairs without impairment of the State's sovereignty and superior authority, have had under consideration the whole subject as embodied in H. J. R. No. 1, by Morse and Shannon and S. J. R. No. 3, by Rawlings and Purl, and beg leave to report and recommend the adoption of S. J. R. No. 3 as attached hereto and forming a part of this report representing a complete adjustment of differences in the measures as passed by the two Houses.

RAWLINGS,  
PURL.  
WOODRUFF,  
WOODWARD,  
REGAN,

On part of the Senate.

MORSE,  
MOFFETT,  
FORD,  
DEAN,  
SHANNON,

On part of the House.

By Rawlings, et al. S. J. R. No. 3.

#### A Joint Resolution

Proposing an Amendment to the Constitution of the State of Texas by adding to Article IX thereof a new section to be numbered 3, providing that any county having a population of sixty-two thousand (62,000) or more may adopt a Home Rule Charter for the establishment and regulation of its government, and which Charter may provide that the commissioners court may serve as the governing body or that some other body may act in lieu thereof; and providing the method of adopting such Charter and fixing the powers, as well as limitations on the powers of the governing body of any county adopting such Charter; and providing the method of compensating certain officers of such counties and for the consolidation and creation of said offices by the governing body of such counties; and providing for the partial or complete merging of the governments of cities and towns within the county with the county government; and providing for contracts between the county, city, town and district within the county to perform one or more

functions; and providing for the assessment and levying of taxes in counties adopting any such Charter, and for the assessment and levying and collection of taxes in merged incorporated cities and towns; and providing for the defining and redefining of the boundaries of cities and towns, and for the defining of urban areas in such counties; and providing for the borrowing of money and the refunding of lawful debts by any such county, and fixing the character of obligations to be issued therefor, and requiring the levying of a tax sufficient to retire obligations prior to the issuance of such obligations; and fixing limitations upon the powers and duties of the governing board of all such counties with reference to levying and assessing taxes and incurring obligations; and providing for the abandonment, revocation and amendment of such charter; and providing that the Legislature may pass all laws consistent herewith which may be necessary to carry out the intent and purposes thereof; and requiring the submission of this amendment at an election, fixing the clauses which shall be printed on the ballot of such election; and providing for the issuance of a proclamation by the Governor ordering such election and fixing the amount of an appropriation to defray the expenses of such election.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article IX of the Constitution of Texas be amended by adding thereto a section to be Section 3, which shall provide:

"Sec. 3. (1) Holding the belief that the highest degree of local self-government which is consistent with the efficient conduct of those affairs by necessity lodged in the Nation and the State will prove most responsive to the will of the people, and result to reward their diligence and intelligence by greater economy and efficiency in their local governmental affairs, it hereby is ordained:

"(2) Any county having a population of sixty-two thousand (62,000) or more according to the then last Federal census may adopt a County Home Rule Charter, to

embrace those powers appropriate hereto, within the specific limitations hereinafter provided. It further is provided that the Legislature, by a favoring vote of two-thirds of the total membership of both the Senate and the House of Representatives, may authorize any county, having a population less than that above specified, to proceed hereunder for the adoption of a Charter; however, as a condition for such authorization, it is required that notice of the intent to seek Legislative authority hereunder must be published in one or more newspapers, to give general circulation in the county affected, not less than once per week for four (4) consecutive weeks, and the first of such publications shall appear not less than thirty (30) days next prior to the time an Act making proposal hereunder may be introduced in the Legislature. No County Home Rule Charter may be adopted by any county save upon a favoring vote of the resident qualified electors of the affected county. In elections submitting to the voters a proposal to adopt a Charter (unless otherwise provided by a two-thirds vote of the total membership of each House of the Legislature) the votes cast by the qualified electors residing within the limits of all the incorporated cities and towns of the county shall be separately kept but collectively counted and the votes of the qualified electors of the county who do not reside within the limits of any incorporated city or town likewise shall be separately kept and separately counted, and unless there be a favoring majority of the votes cast within and a favoring majority of the votes cast without such collective cities and towns, the Charter shall not be adopted. It is expressly forbidden that any such Charter may inconsonantly affect the operation of the General Laws of the State relating to the judicial, tax, fiscal, educational, police, highway and health systems, or any other department of the State's superior government. Nothing herein contained shall be deemed to authorize the adoption of a Charter provision inimicable to or inconsistent with the sovereignty and established public policies of this State, and no provision having such shall have validity as against

the State. No Charter provision may operate to impair the exemption of homesteads as established by this Constitution and the statutes relating thereto.

"(3) a. A charter hereunder may provide: The continuance of a county commissioners court, as now constituted, to serve as the governing body of a county to operate hereunder; or, may provide for a governing body otherwise constituted, which shall be elective, and service therein shall be upon such qualifications, for such terms, under such plan of representation, and upon such conditions of tenure and compensation as may be fixed by any such charter. The terms for service in such governing body may exceed two (2) years, but shall not exceed six (6) years. In any event, in addition to the powers and duties provided by any such charter, such governing body shall exercise all powers, and discharge all duties which, in the absence of the provisions hereof, would devolve by law on county commissioners and county commissioners courts. Further, any such charter may provide for the organization, reorganization, establishment and administration of the government of the county, including the control and regulation of the performance of and the compensation for all duties required in the conduct of the county affairs, subject to the limitations herein provided.

"b. A charter hereunder may provide that judges of county courts (including that county court designated in this Constitution) and justices of the peace be compensated upon a salary basis in lieu of fees. The jurisdiction of the county court designated in this Constitution, and the duties of the judges thereof, may be confined to that general jurisdiction of a probate court which elsewhere is defined in this Constitution. The office of justice of the peace may be made either elective or appointive. Other than as herein provided, no such charter shall provide for altering the jurisdiction or procedure of any court. The duties of district attorney and/or county attorney may be confined to representing the State in civil cases to which the State is a party and to enforcement of the State's Penal Code, and the compensation of said attorneys may be fixed on a salary basis in lieu of fees.

"c. Save as hereinbefore and hereinafter otherwise provided, such

charters, within the limits expressed therein, may invest the governing body to be established for any county electing to operate hereunder with the power to create, consolidate or abolish any office or department, whether created by other provisions of the Constitution or by statute, define the duties thereof, fix the compensation for service therein, make the same elective or appointive and prescribe the time, qualifications and conditions for tenure in any such office; save, that no such charter other than as hereinbefore authorized, shall provide to regulate the status, service, duties or compensation of members of the Legislature, judges of the courts, district attorneys, county attorneys, or any office whatever by the law of the State required to be filled by an election embracing more than one county. Excepting herefrom nominations, elections or appointments to offices, the terms whereof may not have expired prior to the adoption of this amendment to the Constitution, at such time as a charter provision adopted hereunder may be in effect (save as to those offices which must continue to be elective, as herein elsewhere specified), all terms of county officers and all contracts for the giving of service by deputies under such officers, may be subject to termination by the administrative body of the county, under an adopted charter so providing, and there shall be no liability by reason thereof.

"d. Any county electing to operate hereunder shall have the power, by charter provision, to levy, assess and collect taxes (other than taxes to retire authorized bonded indebtedness), to fix the maximum rate for ad valorem taxes to be levied for such specific purposes, in accordance with the Constitution and laws of this State, provided, however, that the limit of the aggregate taxes which may be levied, assessed and collected hereunder shall not exceed the limit or total fixed, or hereafter to be fixed, by this Constitution to control counties, and the annual assessment upon property, both real, personal and mixed, shall be a first superior and prior lien thereon.

"e. In addition to the powers herein provided, and in addition to powers included in county home rule charters, any county may, by a majority vote of the qualified electors of said county, amend its charter to

include other powers, functions, duties and rights which now or hereafter may be provided by this Constitution and the statutes of the State for counties.

"(4) Any county operating hereunder shall have the power to borrow money for all purposes lawful under its charter, to include the refunding of a lawful debt, in a manner conforming to the General Laws of the State, and may issue therefor its obligations. Such obligations, other than those to refund a lawful debt, shall not be valid unless authorized by a majority of all votes cast by those resident qualified voters of the area affected by the taxes required to retire such obligations, who may vote thereon. In case of county obligations, maturing after a period of five (5) years, the same shall be issued to mature serially, fixing the first maturity of principal at a time not to exceed two (2) years next after the date of the issuance of such obligations. Such obligations may pledge the full faith and credit of the county; but in no event shall the aggregate obligations so issued, in principal amount outstanding at any one time, exceed the then existing constitutional limits for such obligations and such indebtedness and its supporting tax shall constitute a first and superior lien upon the property taxable in such county. No obligation issued hereunder shall be valid unless prior to the time of the issuance thereof there be levied a tax sufficient to retire the same as it matures, which tax shall not exceed the then existing constitutional limits.

"(5) Such charter may authorize the governing body of a county operating hereunder to prescribe the schedule of fees to be charged by the officers of the county for specified service, to be in lieu of the schedule for such fees prescribed by the General Laws of the State; and, to appropriate such fees to such funds as the charter may prescribe; provided, however, no fee for a specified service shall exceed in amount the fee fixed by General Law for that same service. Such charters as to all judicial officers, other than district judges, may prescribe the qualifications for services, provided the standards therefor be not lower

than those fixed by the General Laws of the State.

"(6) a. Subject to the express limitations upon the exercise of the powers by this subdivision to be authorized, such charters may provide (or omit to provide) that the governmental and/or proprietary functions of any city, town, district or other defined political subdivision (which is a governmental agency and embraced within the boundaries of the county) be transferred, either as to some or all of the functions thereof, and yielded to the control of the administrative body of the county. No such transfer or yielding of functions may be effected, unless the proposal is submitted to a vote of the people, and, unless otherwise provided by a two-thirds vote of the total membership of each House of the Legislature, such a proposal shall be submitted as a separate issue, and the vote within and without any such city, town, district, or other defined governmental entity, shall be separately cast and counted, and unless two-thirds of the qualified votes cast within the yielding defined governmental entity, and a majority of the qualified votes cast in the remainder of the county, favor the proposed merger, it shall not be effected. In case of the mergers hereby authorized, without express charter provision therefor, in so far as may be required to make effective the object of the proposed merger, the county shall succeed to all the appropriate lawful powers, duties, rights, procedures, restrictions and limitations which prior to the merger were reposed in, or imposed upon, the yielding governmental agency. Particularly, it is provided that the power to create funded indebtedness and to levy taxes in support thereof may be exercised only by such procedures, and within such limits, as now are, or hereafter may be, provided by law to control such appropriate other governmental agencies were they to be independently administered. Such mergers may be effected under proposed contracts between the county and any such yielding governmental agency, to be approved at an election as hereinbefore provided for. In order to increase governmental efficiency and effect economy the county may contract with the prin-

cipal city of the county to perform one or more of its functions, provided such contracts shall not be valid for more than two (2) years.

"b. In case of the partial or complete merger of the government of a city operating under a home rule charter, with the government of a county operating hereunder, those city charter provisions affected thereby shall cease to control, and the county charter provisions shall control.

"c. When any embraced incorporated city or town elects to merge its governmental functions with those of the county under the provisions hereof, such charter may provide for defining or re-defining the boundaries of such cities and towns, provided, however, that in defining or re-defining the boundaries of such cities and towns, such boundaries may be extended only to include those areas contiguous to such cities as are urban in character; and as to such cities or towns and for the benefit thereof the county, in addition to the primary city and county tax herein authorized and any other lawful district tax, may levy and collect taxes upon the property taxable within such city or town as defined or redefined, within the limits authorized by Sections 4 and 5 of Article XI of this Constitution (or any amendment thereof) for incorporated cities according to the population, provided that no tax greater than that existing at the time of such merger or for any added purpose shall be imposed upon any such city or town unless authorized by a majority of all votes cast by the resident qualified voters of such city or town.

"d. Areas urban in character though not incorporated, under appropriate charter provisions may be defined as such by the governing body of the county, provided, however, that no portion of the county shall be defined as an urban area unless it has sufficient population to entitle it to incorporate under the then existing laws of the State; and no such urban area, when created, shall be vested with any taxing or bonding power which it would not possess if it were operating as a separate incorporated unit under the then existing constitutional and statutory provisions of this State;

and provided further that the governing body of the county for the government of such areas shall have and exercise all powers and authority granted by law to the governing bodies of similar areas when separately incorporated as a city or town, and such areas shall be subject to additional taxation within the same constitutional limits as control taxation for a city or a town of like population. Likewise such charter may provide for the governing board of the county subject to existing constitutional and statutory provisions to define, create and administer districts, and have and exercise the powers and authority granted by the Constitution and laws relative to the same.

"(7) No provisions of this Constitution inconsonant with the provisions of this Section 3, of Article IX, shall be held to control the provisions of a charter adopted hereunder, and conforming herewith. Charters adopted hereunder shall make appropriate provision for the abandonment, revocation and amendment thereof, subject only to the requirements that there must be a favoring majority of the vote cast upon such a proposal, by the qualified resident electors of the county; and, no charter may forbid amendments thereof for a time greater than two (2) years. The provisions hereof shall be self-executing, subject only to the duty of the Legislature to pass all laws (consistent herewith) which may be necessary to carry out the intent and purpose hereof. Further, the Legislature shall prescribe a procedure for submitting to decision, by a majority vote of the electors voting thereon, proposed alternate and elective charter provisions."

Sec. 2. The foregoing constitutional amendment shall be submitted to the qualified electors of the State at an election to be held throughout the State on the fourth Saturday in August, 1933, at which election all ballots shall have printed thereon the following:

"For the Amendment to Article IX of the Constitution of Texas, adding Section 3, providing authority for the adoption of a Home Rule Charter by the voters in counties having a population of sixty-two thousand (62,000) or more, to effect more sufficient and economical government within such counties,

and to authorize mergers of separate governmental agencies within such counties as may from time to time be authorized by vote of the people therein.

"Against the Amendment to Article IX of the Constitution of Texas, adding Section 3, providing authority for the adoption of a Home Rule Charter by the voters in counties having a population of sixty-two thousand (62,000) or more, to effect more efficient and economical government within such counties, and to authorize mergers of separate governmental agencies within such counties as may from time to time be authorized by vote of the people therein."

Each voter shall scratch out one of the above listed clauses on such ballot, leaving unscratched that particular clause which expresses his vote on the proposed Amendment to which it relates.

Sec. 3. The Governor of this State is hereby directed to issue the necessary proclamation ordering an election in conformity herewith to determine whether or not the proposed constitutional amendment set forth herein shall be adopted, and the Governor shall have the same published as required by the Constitution and laws of this State.

Sec. 4. The sum of five thousand (\$5,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury not otherwise appropriated to defray the expenses of printing said proclamation and holding such election.

On motion of Senator Rawlings, the report was ordered printed in the Journal.

#### Conferees Appointed.

The Chair announced the appointment of the following conferees on the part of the Senate on H. B. No. 256:

Greer, Holbrook, Sanderford, Dugan, and Pace.

#### Senate Simple Resolution No. 109.

Senator Purl sent up the following resolution:

Resolved by the Senate, That the Free Conference Committee appointed by the Senate to adjust the differences between the House and Senate on the Departmental Appro-

priation H. B. No. 167 be and they are hereby instructed to strike from the free conference report, now tentatively agreed upon by the conferees, all that portion of the bill that has to do with legalizing horse racing in the State and making appropriation therefor, because said rider is contrary to Section 30 of Article three of the Constitution of Texas which reads as follows:

"No law shall be passed, except by bill, and no bill shall be so amended in its passage through either House, as to change its original purpose."

PURL.

The resolution was read.

Senator Purl asked unanimous consent to consider the resolution without referring it.

Objection was heard.

Senator Purl raised the point of order that this was a privileged motion and did not have to be referred before consideration.

Senator Holbrook raised the counter point of order that a conference committee could not be instructed after it was appointed and had commenced its deliberation.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the counter point of order.

#### S. C. R. No. 62.

Senator Woodul sent up the following resolution:

Whereas, H. J. R. No. 14 is now in the Governor's office, and

Whereas, The Senate on yesterday, May 8, sent to the House S. C. R. No. 59 respectfully praying the recall of such H. J. R. No. 14 for certain corrections, now therefore be it

Resolved by the Senate, the House concurring, That the Governor's office be requested to return H. J. R. No. 14 to the Senate of Texas for correction.

WOODUL.

The resolution was read.

Senator Woodul received unanimous consent to suspend the rule requiring resolutions to be referred before consideration.

The resolution was adopted.

#### Recess.

On motion of Senator Woodward, the Senate, at 5:43 o'clock p. m., recessed until 10 o'clock tomorrow morning.

#### APPENDIX.

##### Committee on Enrolled Bills.

Committee Room,

Austin, Texas, May 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 57, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

##### Committee on Engrossed Bills.

Committee Room,

Austin, Texas, May 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 551, carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, May 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 259, carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, May 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 94, carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, May 9, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 550, carefully examined and com-

pared and find same correctly engrossed.

REGAN, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, May 9, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred S. C. R. No. 58.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WOODUL, Chairman.

Committee Room,  
Austin, Texas, May 9, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred S. C. R. No. 60.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WOODUL, Chairman.

Committee Room,  
Austin, Texas, May 9, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 256 (Making an appropriation for the next two fiscal years to promote the public school interests of rural schools and equalize the school opportunities of all children of scholastic age).

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do not pass but that the committee substitute for said bill (same being identical with S. B. No. 94, as passed by the Senate), do pass in lieu thereof, and that the bill and the committee substitute be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, May 9, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 550 (Making an emergency appropriation to pay for printing the laws passed by the Regular Session of the Forty-third Legislature).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, May 9, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 790, A bill to be entitled "An Act to prohibit the hunting, taking, or killing of wild foxes, or having in possession the pelts thereof in Upshur County; providing a penalty; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

#### Final Disposition of Bills.

##### SUPPLEMENT.

Number of Bill or Resolu- tion	Date Filed	Vote	
		House	Senate
S. B. No. 312	May 8, 1933	Yeas 123	Yeas 27
	1:35 p. m.	Nays 3	Nays 0
S. B. No. 331	May 8, 1933	Yeas 123	Yeas 26
	1:35 p. m.	Nays 2	Nays 0

W. W. HEATH, Secretary of State.